

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RIZVANA ZAMEERUDDIN,

Plaintiff,

v.

UNIVERSITY OF WISCONSIN-PARKSIDE, BOARD
OF REGENTS OF THE UNIVERSITY OF
WISCONSIN SYSTEM, ROBERT DUCOFFE,
SCOTT MENKE, and JAMES KINCHEN,

Defendants.

ORDER

24-cv-654-jdp

The pleading phase of this case has gone off the rails, mostly at the fault of plaintiff's counsel. This order gets the train running again.

Defendants moved to dismiss plaintiff's first amended complaint. Dkt. 17. Plaintiff's deadline to respond was January 3, 2025, per the briefing schedule shown in the docket entry for the motion. Plaintiff disregarded that deadline and instead filed a second amended complaint on January 17, 2025. Dkt. 25. That was the deadline for amendments to pleading without leave of court. Dkt. 21 (scheduling order). But plaintiff was not entitled to simply disregard the deadline to respond to plaintiff's motion to dismiss.

Defendants now move to strike the second amended complaint. Dkt. 27. The court understands defendants' irritation. But striking the second amended complaint, or deciding the pending motion to dismiss the now-obsolete first amended complaint, is a waste of time and effort by everyone.

The court will accept the second amended complaint as the operative complaint and deny the pending motion to dismiss as moot. The court will give defendants ten days to move to dismiss the second amended complaint. If, as defendants suggest in their motion to strike,

there is nothing new in the second amended complaint, they can incorporate their previous briefing by reference in a simple renewed motion.

Because plaintiff's counsel should be well aware of the issues by now, and because plaintiff's counsel is responsible for drawing out the pleading process, the court will abbreviate the usual briefing schedule for a motion to dismiss. Plaintiff has 14 days to respond to defendants' renewed motion to dismiss counting from the date of the filing of the motion. Defendants will have ten days to reply.

Any further request to amend the complaint will require a very strong showing.

ORDER

IT IS ORDERED that:

1. Defendants' motion to dismiss, Dkt. 17, and motion to strike, Dkt. 27, are DENIED.
2. Defendants may move to dismiss the second amended complaint by February 17, 2025. Plaintiff's response to any renewed motion to dismiss must be filed no later than 14 days after the filing of the renewed motion. Defendants' reply is due ten days after plaintiff's response.
3. If defendants do not move to dismiss the second amended complaint, its responsive pleading is due February 28, 2025.

Entered February 7, 2025.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge